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Carl Moyer Program Advisory: 08-006

Off-Road Construction Contract Extension

August 15, 2008

Under the Carl Moyer Program, a project life is the number of years that a project obtains surplus emission reductions while operating in California. The project contract specifies that the project life equals the period of time during which the owner is required to operate and maintain their Carl Moyer Program-funded engine/vehicle according to the terms of the contract. The owner understands and agrees to operate the engine/vehicle according to the terms of the contract and to cooperate with the district and ARB in implementation, monitoring, enforcement, and other efforts to assure the emissions benefits are real, quantifiable, surplus, and enforceable.

If an applicant's usage were to fall below the amount listed in the application/contract, the 2008 Carl Moyer Program Guidelines, Section XIV, Best Practice #35B, allows a district to extend the terms of the contract to capture the required usage. This is allowed only if the emissions reductions are surplus to any regulatory requirement. Due to the adoption of the Regulation for In-Use Off-Road Diesel Vehicles, this option may not be available to off-road construction projects that are currently under contract.

This advisory revises the stipulations of the Best Practice #35B solely for off-road construction contracts. Effective as of the date of this advisory, off-road construction contracts for which the usage requirements are not being met may be extended to capture the required usage, even if the contract extension overlaps the required compliance date. This revision only applies to off-road construction contracts that have been executed prior to the issue date of this advisory and does not modify similar Moyer policy for other eligible categories.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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